

**REPORT OF THE COMMITTEE ON LEGISLATION
AND INTERGOVERNMENTAL RELATIONS**

July 24, 2012

The Honorable,
The Board of Commissioners of Cook County

ATTENDANCE

Present: Chairman Suffredin, Commissioners Beavers, Butler, Daley, Gainer, Garcia, Gorman, Goslin, Murphy, Schneider, Silvestri, Sims, Steele and Tobolski (14)

Absent: Vice Chairman Fritchey, Commissioners Collins and Reyes (3)

Ladies and Gentlemen:

Your Committee on Legislation and Intergovernmental Relations of the Board of Commissioners of Cook County met pursuant to notice on Tuesday, July 24, 2012 at the hour of 9:50 A.M. in the Board Room, Room 569, County Building, 118 North Clark Street, Chicago, Illinois.

Your Committee has considered the following items and, upon adoption of this report, the recommendations are as follows:

318086 AN ORDINANCE AMENDMENT TO PART 1, CHAPTER 2, ARTICLE VII, DIVISION 2, SUBDIVISION 1, SECTIONS 2-560 THROUGH 2-562 (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Toni Preckwinkle, President, William M. Beavers, Jerry Butler, John P. Daley, Bridget Gainer, Jesus G. Garcia, and Elizabeth "Liz" Doody Gorman, Gregg Goslin, Joan Patricia Murphy, Timothy O. Schneider, Peter N. Silvestri, Deborah Sims, Robert B. Steele, Larry Suffredin and Jeffrey R. Tobolski, County Commissioners.

PROPOSED ORDINANCE AMENDMENT

NOW THEREFORE BE IT ORDAINED, by the Board of Commissioners of Cook County that Part 1, Chapter 2, Article VII, Division 2, Subdivision 1, Sections 2-560 through 2-562 shall be amended as follows:

Sec. 2-560. Short title.

This division shall be known and may be cited as the "Cook County Ethics Ordinance."

Sec. 2-561. Definitions.

The following words, terms and phrases, when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Absolutely necessary means that another means of identification, such as employee identification number, cannot be substituted for the social security number without frustrating the purpose of the request.

Agency means the County Board, any committee or other subdivision thereof, any County department or other administrative unit, commission, board or other division of the government of the County.

Board or Commission Appointee means all individuals appointed by the President to any Boards or Commissions created by State Statute or County Ordinance that require the approval, confirmation or advice and consent of the County Board.

Board or Commission means any Board or Commission created under County Ordinance or State Statute whose members are appointed by the President subject to the approval, confirmation or advice and consent of the County Board.

~~Board or~~ *Board of Ethics* means the County Board of Ethics, as defined in Section 2-591.

Campaign for elective office means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities:

- (1) Relating to the support or opposition of any executive, legislative, or administrative action;
- (2) Relating to collective bargaining; or
- (3) That is otherwise in furtherance of the person's official duties.

Candidate means any person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at either a general primary election or general election or who has raised or expended money in pursuit of elected office.

Collective bargaining has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 5/1-3).

Compensated time means any time worked by or credited to an employee that counts toward any minimum work time requirement imposed as a condition of employment but does not include any designated holidays or any period when the employee is on a leave of absence.

Compensation means money, thing of value or other pecuniary benefit received or to be received in return for, or as reimbursement for, services rendered or to be rendered.

Compensatory time off means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of employment.

Contract management authority means personal involvement in or direct supervisory responsibility for the formation or execution of a County contract, including without limitation the preparation of specifications, evaluation of bids or proposals, negotiation of contract terms or supervision of performance.

Contribution has the same meaning as that term is defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

County means the County and all government agencies of the County.

Economic interest means any interest valued or capable of valuation in monetary terms; provided that economic interest is subject to the same exclusion as financial interest.

Employee means an individual employed by the County whether part-time or full-time or by a contract of employment. The term "employee" shall include individuals employed by County Officers as referenced in Article VII, Section 4 of the Illinois Constitution. The term "employee" shall not include judges of election.

Financial interest means any of the following:

- (1) Any interest as a result of which the owner currently received or is entitled to receive in the future more than \$2,500.00 per year.
- (2) Any interest with a cost or present value of \$5,000.00 or more.
- (3) Any interest representing more than ten percent of a corporation, partnership, sole proprietorship, firm, enterprise, franchise, organization, holding company, joint stock company, receivership, trust, or any legal entity organized for profit; provided, however, the term "financial interest" shall not include any of the following:

- a. Any ownership through purchase at fair market value of inheritance of less than one percent of the shares of a corporation, or any value of or dividends of such shares, if such shares are registered on a securities exchange pursuant to the Securities Exchange Act of 1934 (15 U.S.C. § 78a et seq.)
- b. The authorized compensation paid to an official or employee for his or her office or employment, or the authorized compensation paid to a board or commission appointee for his or her office or employment;
- c. Any economic benefit provided equally to all residents of the County;
- d. A time or demand deposit in a financial institution;
- e. An endowment or insurance policy or annuity contract purchased from an insurance company;
- f. Any accrued pension rights in the County fund; or
- g. With respect to a mutual fund, the individual securities of other instruments owned by the mutual fund.

Gift means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an official, board or commission appointee or employee.

Leave of absence means any period during which an employee does not receive compensation for employment, service credit towards pension benefits, and health insurance benefits paid for by the employer.

Legislative action means the introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, veto or other official action or nonaction on any ordinance, resolution, motion, order, appointment, application or other matter pending or proposed in the County Board or any committee or subcommittee thereof.

Official means any elected County official or appointed official, regardless of whether the official is compensated. ~~or any appointed nonemployee member of any agency of the County.~~

Person means any individual, entity, corporation, partnership, firm, association, union, trust, estate, as well as any parent or subsidiary of any of the foregoing, and whether or not operated for profit.

Political activity means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities relating to the support or opposition of any executive, legislative or administrative action; relating to collective bargaining; or that are otherwise in furtherance of the person's official duties.

Political fundraising committee means any fund, organization, political action committee or other entity that, for purposes of influencing in any way the outcome of any election, receives or expends money or anything of value or transfers money or anything of value to any other fund, political party, candidate, organization, political action committee, or other entity.

Political organization means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9.3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

Prohibited political activity means:

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- (2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding any thing of value intended as a campaign contribution.
- (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum questions or helping in an effort to get voters to the polls.

- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (10) Preparing or reviewing responses to candidate questionnaires in connection with a campaign for elective office or on behalf of a political organization for political purposes.
- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (12) Campaigning for any elective office or for or against any referendum question.
- (13) Managing or working on a campaign for elective office or for or against any referendum question.
- (14) Serving as a delegate, alternate, or proxy to a political party convention.
- (15) Participating in any recount or challenge to the outcome of any election.

Prohibited source means any person or entity who:

- (1) Is seeking official action:
 - a. By the official, board or commission appointee; or
 - b. In the case of an employee, by the employee or by the official, County agency, board or commission or other employee directing the employee.
- (2) Does business or seeks to do business:
 - a. With the official, board or commission appointee; or
 - b. In the case of an employee, with the employee or with the official, County agency, board or commission or other employee directing the employee.
- (3) Conducts activities regulated:
 - a. By the official, board or commission appointee; or

- b. In the case of an employee, by the official, County agency, board or commission or other employee directing the employee.
- (4) Has interests that may be substantially affected by the performance or nonperformance of the official duties of the official, board or commission appointee or employee; or
- (5) Is registered or required to be registered with the County pursuant to the Cook County Lobbyist Ordinance, except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors.

Publicly post or *publicly display* means to intentionally communicate or otherwise intentionally make available to the general public.

Single candidacy means the time period during which a candidate is seeking office with primary election and general election being separate candidacies.

Statement means the disclosure of economic interest form required to be filed by the Illinois Governmental Ethics Act (5 ILCS 420/4A-101 et seq.).

Sec. 2-562. Applicability.

This Ordinance shall apply to all officials, board or commission appointees and employees of Cook County, as defined in Sec. 2-561. Board or commission appointees must agree to adhere to the Cook County Ethics Ordinance in order to be eligible for appointment to any board or commission as defined in Sec. 2-561.

Secs. 2-563 - 2-570. - Reserved.

BE IT FURTHER ORDAINED, by the Board of Commissioners of Cook County that Part I, Chapter 2, Article VII, Division 2, Subdivision II, Sections 2-571 through 2-588 shall be amended as follows:

Sec. 2-571. Fiduciary duty.

Officials and employees shall at all times in the performance of their public duties owe a fiduciary duty to the County. Board or commission appointees appointed under County Ordinance owe a fiduciary duty to the County in the performance of their public duties and appointed board or commission appointees appointed under State Statute owe a fiduciary duty to the members of the public for which they have been appointed to serve.

Sec. 2-572. Improper influence.

(a) No official or employee shall make, participate in making or in any way attempt to use their official position to influence any County governmental decision or action in which the official or employee knows, has reason to know or should know that the official or employee has any economic interest distinguishable from that of the general public of the County.

(b) No official or employee shall make, participate in making or in any way attempt to use their official position to influence any County governmental decision or action, including decisions or actions on any Cook County Board Agenda Item, in exchange for or in consideration of the employment of said official's or employee's relatives, domestic partner or civil union partner by any other official or employee.

(c) No board or commission appointee shall make, participate in making or in any way attempt to use his or her official position to influence any decision or action by the Board or Commission to which they are appointed in which the board or commission appointee knows, has reason to know or should know that the board or commission appointee has any economic interest distinguishable from that of the general public served by the board or commission to which they are appointed.

Sec. 2-573. Dual employment.

(a) No official or employee shall accept other employment which will impair his or her independence of judgment in the exercise of official duties.

(b) No official or employee shall accept other employment which will impair his or her ability to perform County duties and responsibilities.

Sec. 2-574. Receiving and soliciting gifts and favors.

(a) *Gift ban.* Except as otherwise provided in this division, no official, board or commission appointee or employee shall intentionally solicit or accept any gift from any prohibited source or in violation of any Federal or State statute, rule, or regulation or any County ordinance, rule or regulation. This ban applies to and includes spouses of and immediate family living with the official, board or commission appointee or employee. No prohibited source shall intentionally offer or make a gift that violates this section.

(b) *Exceptions.* The restriction in Subsection (a) of this section does not apply to the following:

- (1) *Opportunities, benefits, and services.* Opportunities, benefits, and services that is available on the same conditions as for the general public.

- (2) *Market value paid.* Anything for which the official, board or commission appointee or employee or his or her spouse or immediate family member living with him or her pays the market value.
- (3) *Lawful contribution, fundraising event.* Any contribution that is lawfully made under the Election Code or under this article or activities associated with a fundraising event in support of a political organization or candidate.
- (4) *Educational materials and missions.* This exception may be further defined by rules adopted by the Board of Ethics.
- (5) *Travel expenses for a meeting to discuss County or Board or Commission business.* This exception may be further defined by rules adopted by the Board of Ethics.
- (6) *Gift from relative.* A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
- (7) *Gift on basis of personal friendship.* Anything provided by an individual on the basis of a personal friendship unless the official or employee has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the official, board or commission appointee or employee and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the official, board or commission appointee or employee shall consider the circumstances under which the gift was offered, such as:
 - a. The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;
 - b. Whether to the actual knowledge of the official, board or commission appointee or employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

- c. Whether to the actual knowledge of the official, board or commission appointee or employee the individual who gave the gift also at the same time gave the same or similar gifts to other officials or employees or their spouses or immediate family members living with them.
- (8) *Food or refreshments not exceeding \$75.00 per person.* Food or refreshments not exceeding \$75.00 per person in value on a single calendar day; provided that the food or refreshments are consumed on the premises from which they were purchased or prepared or catered. For purposes of this subsection, the term "catered" means food or refreshments that are purchased ready to eat and delivered by any means.
- (9) *Food, refreshments, lodging, transportation, etc., from outside employment.* Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the duties of the official, board or commission appointee or employee as an office holder or employee) of the official, board or commission appointee or employee, or the spouse of the official, board or commission appointee or employee, if the benefits have not been offered or enhanced because of the official position or employment of the official, board or commission appointee or employee, and are customarily provided to others in similar circumstances.
- (10) *Intra-governmental and inter-governmental gifts.* For the purpose of this article "intra-governmental gift" means any gift given to an official or employee of a County agency or board or commission appointee from another official or employee of the same County agency or board or commission; and "inter-governmental gift" means any gift given to an official, board or commission appointee or employee of a County agency or department by an official, board or commission appointee or employee of another County agency or department, of a State of Illinois agency, of a Federal agency, or of any governmental entity.
- (11) *Bequests.* Bequests, inheritances, and other transfers at death.
- (12) *Items valued at less than \$100.00.* Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.00.

Each of the exceptions listed in this subsection is mutually exclusive and independent of one another.

(c) An official, board or commission appointee or employee does not violate this article if the official, board or commission appointee or employee promptly takes reasonable action to return the prohibited gift to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

(d) Gifts which have a value of greater than \$100.00 (or a series of gifts with an aggregate value of greater than \$100.00 from one prohibited source during any 12-month period) received by any official, board or commission appointee or employee from a prohibited source shall be disclosed to the Board of Ethics by the recipient within ten business days of receipt. The disclosure shall include the name and government title of the recipient; the name, address, occupation and employer of the donor; a description of the gift and its value; and the intended use or disposition of the gift.

(e) Any and all gifts having a value greater than \$100.00 and received by an official, board or commission appointee or employee for participating in speaking engagements, lectures, debates or organized discussion forums arising out of his or her County employment shall be disclosed to the Board of Ethics within ten business days of receipt.

Sec. 2-575. Reserved.

Sec. 2-576. County-owned property.

No official, board or commission appointee or employee shall engage in or permit the unauthorized use of ~~County-owned or County-leased~~ property that is owned or leased by the County or the Board or Commission to which they are appointed. ~~County-owned and County-leased~~ Such property shall only be used for official County or Board or Commission business.

Sec. 2-577. Use or disclosure of confidential information.

No official, board or commission appointee or employee shall use or disclose, other than:

- (1) In the performance of his or her official duties;
- (2) As may be required by law; or
- (3) As permitted in Section 2-584, confidential information gained in the course of or by reason of his position or employment. For purposes of this subsection, the term "confidential information" means any information that may not be obtained pursuant to the Illinois Freedom of Information Act, as amended.

Sec. 2-578. Conflicts of interest.

(a) No official or employee shall make, or participate in making, any County governmental decision and no board or commission appointee shall make, or participate in making, any board or commission decision with respect to any matter in which the official, board or commission appointee or employee, or the spouse, or dependent, domestic partner or civil union partner of the official or employee, has any economic interest distinguishable from that of the general public. For purposes of this section, the term "dependent" shall have the same meaning as provided in the U.S. Internal Revenue Code, as amended.

(b) Any employee who has a conflict of interest as described by Subsection (a) of this section shall advise his or her supervisor of the conflict or potential conflict. The immediate supervisor shall either:

- (1) Assign the matter to another employee; or
- (2) Require the employee to eliminate the economic interest giving rise to the conflict and only thereafter shall the employee continue to participate in the matter.

(c) Any official, board or commission appointee or employee who has a conflict of interest as described by Subsection (a) of this section shall disclose the conflict of interest in writing the nature and extent of the interest to the Cook County Board of Ethics as soon as the employee, board or commission appointee or official becomes aware of such conflict and shall not take any action or make any decisions regarding that particular matter. A Cook County Board Commissioner shall publicly disclose the nature and interest of such interest on the report of proceedings of the Cook County Board of Commissioners, and shall also notify the Cook County Board of Ethics of such interest within 72 hours of introduction of any ordinance, resolution, contract, order or other matter before the Cook County Board of Commissioners, or as soon thereafter as the Commissioner is or should be aware of such conflict of interest. The Board of Ethics shall make all disclosures available for public inspection and copying immediately upon request.

Sec. 2-579. Representation of other persons.

(a) No elected official or employee may represent, or have an economic interest in the representation of any person other than the County in a formal or informal proceeding or transaction before any County agency in which the agency's action or nonaction is of a nonministerial nature and no board or commission appointee may represent, or have an economic interest in the representation of any person other than the board or commission in a formal or informal proceeding or transaction before said board or commission to which the board or commission appointee is a party in which the board or commission's action or nonaction is of a nonministerial nature.

(b) No elected official or employee may have an economic interest in the representation of any person in any judicial or quasi-judicial proceeding before any administrative agency or court in which the County is a party and that person's interest is directly adverse to that of the County and no board or commission appointee may have an economic interest in the representation of any person in any judicial or quasi-judicial proceeding before any administrative agency or court in which said board or commission to which the board or commission appointee is a party and that person's interest is directly adverse to that of the board or commission.

(c) No appointed official may represent any person in the circumstances described in Subsection (a) or (b) of this section unless the matter is wholly unrelated to the appointed official's County duties and responsibilities and no board or commission appointee may represent any person in the circumstances described in Subsection (a) or (b) of this section unless the matter is wholly unrelated to the board or commission appointee's duties and responsibilities.

(d) For purposes of this section, the term "economic interest" shall not include the interest of the spouse, domestic partner or civil union partner of an official, board or commission appointee or employee which interest is related to the independent occupation, profession or employment of the spouse.

Sec. 2-580. Post employment restrictions.

(a) No former official or employee shall assist or represent any person other than the County in any judicial or administrative proceeding involving the County if the official or employee was counsel of record or participated personally and substantially in the proceeding during his or her term of office or employment.

(b) No former official or employee shall assist or represent any person in any business transaction involving the County, if the official or employee participated personally and substantially in that transaction during his or her term of office or employment.

(c) No former official or employee may, for a period of one year after the termination of his or her term of office or employment, knowingly accept employment or receive compensation or fees for services from an employer if the employee or official, during the year immediately preceding termination of County employment and on behalf of the County, participated personally and substantially in the decision to award County contracts with a cumulative value of over \$25,000.00 to the person or entity, or its parent or subsidiary.

(d) No former official or employee may, for a period of one year after the termination of his or her term of office or employment, knowingly and for compensation lobby any County official or employee on behalf of any other entity.

(e) The requirements of this section shall not be waived by the Board of Ethics.

(f) This section applies only to persons who terminate an affected position on or after the effective date of this article.

Sec. 2-581. Interest in County business or Board or Commission business.

(a) No elected official or employee shall have a financial interest in his or her own name or in the name of any other person in any contract, work or business of the County, or in the case of a board or commission appointee in any contract, work or business of the board or commission to which they are appointed or that which the board or commission approves. No elected official or employee shall have a financial interest in his or her own name or in the name of any other person in the sale of any article, whenever the expense, price or consideration of the contract, work, business or sale is paid with funds belonging to or administered by the County, or in the case of a board or commission appointee in the sale of any article, whenever the expense, price or consideration of the contract, work, business or sale is paid with funds belonging to or administered by the board or commission to which they are appointed. Compensation for property taken pursuant to the County's eminent domain power shall not constitute a financial interest within the meaning of this section. Unless sold pursuant to a process of competitive bidding following public notice, no elected official or employee shall have a financial interest in the purchase of any property that:

- (1) Belongs to the County;
- (2) Is sold for taxes or assessments; or
- (3) Is sold by virtue of legal process at the suit of the County.

(b) No appointed official shall engage in a transaction described in Subsection (a) of this section unless the matter is wholly unrelated to the appointed official's County duties and responsibilities and no board or commission appointee shall engage in a transaction described in Subsection (a) of this section unless the matter is wholly unrelated to the board or commission appointee's board or commission duties and responsibilities.

(c) For purposes of this section, the term "financial interest" shall not include the interest of the spouse, domestic partner, or civil union partner of an official or employee which interest is related to the independent occupation, profession or employment of the spouse.

Sec. 2-582. Employment of relatives.

(a) No official, board or commission appointee or employee shall participate in a hiring decision, or shall employ or advocate for employment, in any agency over which such official, board or commission appointee or employee either serves or over which he or she exercises authority, supervision or control, any person who is a relative or domestic partner of said official or employee, or in exchange for or in consideration of the employment of any said official's or employee's relatives or domestic partners, by any other official, board or commission appointee or employee.

(b) No official or employee, on behalf of any County agency, shall participate in a decision whether to contract with any person with whom or in which the official or employee knows that a relative, domestic partner or civil union partner of that official or employee has a financial interest. No official or employee shall exercise contract management authority where any relative or domestic partner of the official or employee is employed by or has contracts with persons doing County work over which the County official or employee has or exercises contract management authority. No board or commission appointee, on behalf of the board or commission to which they are appointed, shall participate in a decision whether to contract with any person with whom or in which the board or commission appointee knows that a relative, domestic partner or civil union partner of that board or commission appointee has a financial interest. No board or commission appointee shall exercise contract management authority where any relative or domestic partner of the board or commission appointee is employed by or has contracts with persons doing board or commission work over which the board or commission appointee has or exercises contract management authority.

(c) Any person or persons doing business with the County shall be required, upon execution of a contract with the County of Cook, to disclose to the Board of Ethics, the existence of familial relationships they may have with all persons, as defined in subsection (e), holding elective office in the State of Illinois, the County of Cook, or in any municipality within the County of Cook. In the event that a business entity is contracted to do business with the County of Cook, the disclosure shall apply to the following persons who are employed by the business entity or who were employed by the business entity during the 12-month period immediately preceding the date of the contract:

- (1) All persons who are designated as the entity's board of directors;
- (2) All officers of the business entity;
- (3) All persons who are responsible for the general administration of the entity;
- (4) All agents who are duly authorized to execute documents on behalf of the business entity;

(5) All employees who are directly engaged in contractual work with the County on behalf of the business entity.

(d) For purposes of Subsection (c), doing business means any one or any combination of leases, contracts or purchases to or with the County or any County agency in excess of \$25,000.00 in any calendar year.

(e) All persons registered as a lobbyist with the County of Cook shall be required, upon filing with the Cook County Clerk, to disclose to the Board of Ethics the existence of familial relationships they may have with all persons, as defined in Subsection (f), holding elective office in the State of Illinois, the County of Cook, or in any municipality in the County of Cook.

(f) For purposes of this section, relative or familial relationship shall mean a person who is related to an official or employee as spouse or any of the following, whether by blood, marriage or adoption: domestic partner, civil union partner, parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother or half-sister.

(g) The disclosure required by this section shall be filed by January 1 of each calendar year or within 30 days of the execution of any contract or lease.

(h) Any person or business entity who is doing business with the county in accordance with Subsection (d), at the time this ordinance is passed shall be required to file such disclosure no later than 60 days after the effective date of this section.

(i) In addition to other penalties provided in this division, any person filing a late disclosure statement under this section shall be assessed a late filing fee as set out in Section 32-1 per day the disclosure is late, payable to the Cook County Board of Ethics upon filing. Any person filing a late disclosure statement after January 31 shall be subject to a penalty of \$100.00 per day after January 31 that the disclosure is late, payable to the Cook County Board of Ethics upon filing.

(j) In addition to the penalties provided for in subsection (h) of this section, any person or business entity convicted of a violation of any provision of this division is prohibited for a period of three years from the date of the conviction from engaging, directly or indirectly, in any business with the County of Cook. Any person or business entity who is found guilty of knowingly or willfully filing a false, misleading or incomplete disclosure shall be prohibited for a period of three years from the date of the conviction from engaging, directly or indirectly, in any business with the County of Cook.

(k) The Cook County Board of Ethics is hereby authorized to promulgate rules and procedures for the reporting and enforcement of this section, including the designation of a disclosure form to be used by all persons required to file under this section.

Sec. 2-583. Political activity.

(a) No official, board or commission appointee or employee shall compel, coerce or intimidate any County official or employee to make or refrain from making any political contribution. No official, board or commission appointee shall directly solicit any political contribution from his or her employees, the spouses, domestic partners or civil union partners of or immediate family living with his or her employees. Nothing in this subsection shall be construed to prevent any official, board or commission appointee or employee from voluntarily making a contribution or from receiving a voluntary contribution.

(b) No employee with contract management authority shall serve on the political fund-raising committee of any elected official or candidate for County office.

(c) County employees shall not intentionally perform any prohibited political activity during any compensated time (other than vacation, personal, or compensatory time off). County employees or officials shall not intentionally misappropriate any County property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization.

(d) At no time shall any official or employee intentionally misappropriate the services of any County employee and at no time shall any board or commission appointee misappropriate the services of any board or commission employee by requiring that employee to perform any prohibited political activity:

- (1) As part of that employee's County duties or in the case of a board or commission, as part of that employee's board or commission duties;
- (2) As a condition of County employment or in the case of a board or commission, as a condition of board or commission employment; or
- (3) During any time off that is compensated by the County or board or commission (such as vacation, personal, or compensatory time off).

(e) A County employee or board or commission appointee shall not be required at any time to participate in any prohibited political activity in consideration for that employee being awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise.

(f) A County employee or board or commission appointee shall not be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the employee's participation in any prohibited political activity.

(g) Nothing in this section prohibits activities that are otherwise appropriate for a County employee or board or commission appointee to engage in ~~in as a part of his or her official County employment duties or activities that are undertaken by an employee~~ on a voluntary basis as permitted by law.

Sec. 2-584. Whistleblower protection.

(a) No complainant, or employee acting on behalf of a complainant, shall be discharged, threatened or otherwise discriminated against regarding compensation, terms, conditions, location or privileges of employment because:

- (1) The complainant or employee acting on behalf of the complainant reports or is about to report, verbally or in writing, a violation or suspected violation of this Ordinance; or
- (2) The complainant or employee acting on behalf of the complainant is requested to participate in an investigation, hearing or inquiry held pursuant to this Ordinance, or in any related court action.

(b) This section shall not apply to a complainant, or employee acting on behalf of a complainant, who knowingly makes a false report.

Sec. 2-585. Limitations of contributions to candidates and elected officials.

(a) No person shall make contributions exceeding the limits established by the Election Code, 10 ILCS 5/9-1 et seq., when making contributions to any of the following elected officials or candidates for such office: County Board President; Cook County Commissioner; Cook County State's Attorney; Cook County Clerk of the Circuit Court; Cook County Assessor; Cook County Treasurer; Cook County Board of Review Commissioner; Cook County Clerk; and Cook County Recorder of Deeds except as otherwise provided in Section 2-585

(b) No person who does business with the County or who has done business with the County within the preceding four years or is seeking to do business with the County or is a person required to register as a lobbyist with the County shall make contributions in an aggregate amount exceeding \$750.00:

- (1) To any candidate for County office or elected County official during a single candidacy; or
- (2) To any elected official of the government of the County during any nonelection year of his or her term.
- (3) To any local, state, or federal campaign committee that is controlled by, or established in support of, a candidate for County office or an elected County official.

The combined effect of these provisions is intended to permit total contribution up to, but not exceeding, \$1,500.00 in a year in which a candidacy occurs. A year, for purposes of this section, is from January 1 to December 31 of each year.

(c) For purposes of Subsection (b) of this section, an entity and its subsidiaries, parent company or otherwise affiliated companies, and any of their employees, officers, directors and partners who make a political contribution for which they are reimbursed by the entity or its affiliates shall be considered a single person. However, nothing in this provision shall be construed to prohibit such an employee, officer, director or partner from making a political contribution for which he is not reimbursed by a person with whom he or she is affiliated, even if that person has made the maximum contribution allowed under Subsection (b) of this section.

(d) Any contributions made under this section shall be reported as required by the Election Code, 10 ILCS 5/1-1 et seq.

(e) For purposes of Subsection (b) of this section, "done business" or "doing business" means any one or any combination of sales, purchases, leases or contracts to, from or with the County or any County agency in excess of \$10,000.00 in any 12 consecutive months or during the previous four years. "

(f) For purposes of Subsection (b) of this section, "seeking to do business" means taking action within the past six months to obtain a contract or business with the County when, if such action were successful, it would result in the person doing business with the County as defined in Subsection (e) of this section.

(g) Any firm, or its officers, directors or partners, contracted by the County to provide financial audits of county finances are prohibited from making campaign contributions to any county official or candidate for county office.

(h) Any firm, or its officers, directors or partners, contracted by the County to act as financial council, bond council, underwriter's council, legal counsel, or financial manager for the issuance of any bond is prohibited from making campaign contributions to any county official or candidate for county office.

(i) Any candidate for any county office or any current elected official in Cook County government shall return contributions found in excess of the limitations set forth in this section within 30 days of notification from the Board of Ethics. Failure to return contributions within 30 days shall be a violation of this section and subject to fines under Section 2-602(d).

Sec. 2-586. Newsletters, brochures, public service announcements, and promotional materials.

(a) County funds and resources may not be used by any elected County official to print or pay for the printing of any newsletters or brochures during the period beginning January 1 of the year of a general primary election and ending the day after such general primary election and during a period beginning September 1 of the year of a general election and ending the day after such general election if the elected County official is a candidate in such primary or general election. A County elected official may not mail, during the period beginning January 1 of the year of a general primary election and ending the day after such general primary election and during a period beginning September 1 of the year of a general election and ending the day after such general election, any newsletters or brochures that were printed at any time using County funds or resources if the elected County official is a candidate in such primary or general election.

(b) This section shall not apply to any informational brochures that are solely related to and accompany any mailing of a property tax bill, notice of property tax assessment, or notice of voter registration or polling place information, or to a brochure mailed to a constituent in response to that constituent's inquiry concerning the needs of that constituent or questions raised by that constituent.

(c) No public service announcement or advertisement that is on behalf of any County administered program and contains the proper name, image, or voice of any elected County official shall be broadcast or aired on radio or television or printed in a commercial newspaper or commercial magazine at any time on or after the date that the elected County official files nominating papers for any elected office, and for any time thereafter that the elected County official remains a candidate for any office.

(d) The proper name or image of any elected official may not appear on any:

- (1) Bumper stickers;
- (2) Commercial billboards;
- (3) Lapel pins or buttons;
- (4) Magnets; or
- (5) Stickers, if designed, paid for, produced, and/or distributed with public funds.

Sec. 2-587. Ethics Education Seminar.

(a) Each elected official, members of each elected official's personal staff, each employee holding a senior administrative service position with the County, and each board or commission appointee, upon due notice, shall attend an ethics education seminar offered on a regular basis by the Board of Ethics within 120 days of the effective date of this amendatory ordinance or within 120 days of becoming an elected official, becoming a member of an elected official's personal staff, becoming a board or commission appointee or holding a senior administrative service position with the County (or as soon thereafter as an ethics education seminar is offered by the Board of Ethics) and every four years thereafter. The seminar shall educate persons as to their duties and responsibilities under this article.

(b) The Board of Ethics shall define "senior administrative service position" by rule.

Sec. 2-588. Identity protection policy.

(a) *Prohibited activities.* No officer or employee of the County shall do any of the following:

- (1) Publicly post or publicly display in any manner an individual's social security number;
- (2) Print an individual's social security on any card required for the individual to access products or services provided by the person or entity;
- (3) Require an individual to transmit his or her social security number over the internet, unless the connection is secure or the social security number is encrypted;
- (4) Print an individual's social security number on any materials that are mailed to the individual, through the U.S. Postal Service, any private mail service, electronic mail, or any similar method of delivery, unless State or Federal law requires the social security number to be on the document to be mailed. A social security number that may be permissibly mailed under this section may not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope or be visible on an envelope without the envelope having been opened;

- (5) Collect, use or disclose a social security number from an individual, unless
 - (i) required to do so under State or Federal law, rules or regulations, or the collection, use or disclosure of the social security number is absolutely necessary for the performance of that agency's duties and responsibilities;
 - (ii) the need and purpose for the social security number is documented before collection of the social security number; and (iii) the social security number collected is relevant to the documented need and purpose;
 - (6) Require an individual to use his or her social security number to access an internet website;
 - (7) Use the social security number for any purpose other than the purpose for which it was collected.
- (b) *Exceptions.* The prohibitions in subsection (a) do not apply in the following circumstances:
- (1) The disclosure of social security numbers to agents, employees, contractors or subcontractors of the County or disclosure to another governmental entity or its agents, employees, contractors or subcontractors if disclosure is absolutely necessary in order for the entity to perform its duties and responsibilities;
 - (2) The disclosure of social security numbers pursuant to a court order, warrant or subpoena;
 - (3) The collection, use or disclosure of social security numbers if it is absolutely necessary in order to ensure the safety of County employees, persons committed to correctional facilities, local jails and other law enforcement facilities or retention centers; and all persons working in or visiting a County facility;
 - (4) The collection, use or disclosure of social security numbers if it is absolutely necessary for internal verification or administrative purposes;
 - (5) The collection or use of social security numbers to investigate or prevent fraud, to conduct background checks, to collect a debt, to obtain a credit report from a consumer reporting agency under the federal Fair Credit Reporting Act, to undertake any permissible purpose that is enumerated under the federal Gramm Leach Bliley Act, or to locate a missing person, a lost relative, or a person who is due a benefit such as a pension benefit or an unclaimed property benefit.

(c) *Conflicts.* Any standards of the County for the collection, use or disclosure of social security numbers that are stricter than the standards under this policy with respect to the protection of those social security numbers shall control in the event of any conflict with the provisions of this policy.

(d) *Public Inspection and Copying of Documents.* Notwithstanding any other provision of this policy to the contrary, all officers of the County must comply with the provisions of any other State law with respect to allowing the public inspection and copying of information or documents containing all or any portion of an individual's social security number. All officers and employees of the County must redact social security numbers from the information or documents before allowing the public inspection or copying of the information or documents.

(e) *Applicability.*

(1) This policy does not apply to the collection, use or disclosure of a social security number as required by State or Federal law, rule or regulation.

(2) This policy does not apply to documents that are required to be open to the public under any State or Federal law, rule or regulation, applicable case law, Supreme Court Rule, or the Constitution of the State of Illinois.

(f) *Compliance with Federal Law.* If a Federal law takes effect requiring any Federal agency to establish a national unique patient health identifier program, the County shall follow that law.

(g) *Embedded Social Security Numbers.* No officer or employee of the County may encode or embed a social security number in or on a card or document including, but not limited to, using a bar code, chip, magnetic strip, RFID technology, or other technology, in place of removing the social security number as required by this policy.

(h) *Identity Protection Requirements.* In accordance with the requirements of the Identity Protection Act, 5 ILCS 179/1 et seq.

(1) All officers, employees, and agents of the County identified as having access to social security numbers in the course of performing their duties shall be trained to protect the confidentiality of social security numbers. Training shall include instructions on the proper handling of information that contains social security numbers from the time of collection to the time of destruction of such information.

- (2) Only employees who are required to use or handle information or documents that contain social security numbers shall have access to such information or documents.
- (3) Social security numbers requested from an individual in permissible circumstances shall be provided in a manner that makes the social security number easily redacted if required to be released as part of a public records request.
- (4) When collecting a social security number in permissible circumstances or upon request by the individual, a statement of the purpose(s) for which the County is collecting and using the social security number shall be provided.
- (5) The County shall advise its employees of the existence of this policy and make a copy of the policy available to each employee, and shall also make this privacy policy available to any member of the public upon request. If the County amends this privacy policy, then the County shall also advise its employees of the existence of the amended policy and make a copy of the amended policy available to each employee.
 - (i) *Implementation.* All County agencies shall adopt procedures to come into compliance with this policy by the effective date of this Ordinance.
 - (j) *Violation.* Any person who intentionally violates the prohibitions in Subsection (a) of this policy is guilty of a Class B misdemeanor. Suspected violations shall be reported to the Board of Ethics or the Office of the Independent Inspector General as soon as practicable, and they will refer violations to the State's Attorney when appropriate for prosecution.
 - (k) *Supersede.* This policy does not supersede any more restrictive law, rule or regulation regarding the collection, use or disclosure of social security numbers. However, all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith.

Effective Date: The Ordinance Amendments shall be effective upon passage.

***Referred to the Legislation and Intergovernmental Relations Committee on 05-14-12.**

Commissioner Garcia, seconded by Commissioner Silvestri, moved the Approval of Communication No. 318086. The motion carried.

Leave was granted to add all Commissioners as Sponsors.

- 318088 AN ORDINANCE AMENDMENT TO PART 1, CHAPTER 2, ARTICLE IV, DIVISION 5, SECTION 2-285.1 (PROPOSED ORDINANCE AMENDMENT). Submitting a proposed Ordinance Amendment sponsored by Gregg Goslin, County Commissioner.

PROPOSED ORDINANCE AMENDMENT

NOW THEREFORE BE IT ORDAINED, by the Board of Commissioners of Cook County that Part 1, Chapter 2, Article IV, Division 5, Section 2-285.1 shall be created as follows:

DIVISION 5. - INSPECTOR GENERAL

Sec. 2-285.1 Board or Commission Appointees.

Board or Commission Appointees, as defined in Section 2-561 of the Cook County Ethics Ordinance, are individuals appointed by the President to Boards or Commissions created by State Statute or County Ordinance that require such appointment subject to the approval, confirmation or advice and consent of the County Board. Board or Commission Appointees must agree to be subject to the OIIG Ordinance and investigation by the OIIG in order to be eligible for appointment to any board or commission. The OIIG Ordinance will apply to Board or Commission Appointees in the same manner, and will impose the same duties and obligations, as it does to Cook County officials.

***Referred to the Legislation and Intergovernmental Relations Committee on 05-14-12.**

The above Communication No. 318988 was Withdrawn by Commissioner Goslin.

- 318989 AMENDMENT TO THE LEGISLATIVE COUNSEL TO THE COOK COUNTY BOARD OF COMMISSIONERS (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by John A. Fritchey and Larry Suffredin, County Commissioners.

PROPOSED ORDINANCE AMENDMENT

LEGISLATIVE COUNSEL TO THE COOK COUNTY BOARD OF COMMISSIONERS

WHEREAS, during the FY2011 Budget deliberations, an amendment was introduced and approved by the Cook County Board to create two Legislative Counsel positions and one Administrative Support position; and

WHEREAS, the impetus for creating these positions was to assist the Board of Commissioners in creating, analyzing and when called upon, to opine on legislation created by a single or multiple members intended for presentation to the entire County Board; and

WHEREAS, said Legislative Counsel positions were to be completely independent of the Executive branch and of any other elected official, including the Office of the State's Attorney, in order to avoid a conflict of interest when reviewing or opining on legislation as well as to function on behalf of and exclusively in the best interest of the Cook County Board of Commissioners; and

WHEREAS, although the three Legislative Counsel positions created during the FY2011 were reduced to one during the FY2012 budget, the underlying need for the Legislative Counsel function persists; and

WHEREAS, despite the remaining Legislative Counsel position being fully funded, it has yet to be filled; and

WHEREAS, it is also prudent to establish the qualifications, mission and duties of said Legislative Counsel.

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 50 Libraries, Article I, Legislative Reference Services, of the Cook County Code is hereby amended as follows:

Sec. 50-1. Title.

This article shall be known as the "Legislative Reference Services Act" and may be cited as such.

Sec. 50-2. Recitals.

The President and the Board of Commissioners of the County of Cook find that all of the recitals contained in the preambles to this article are full, true and correct and do incorporate them into this article by this reference.

Sec. 50-3. Public purpose.

It is hereby found, determined and declared that the purpose of this article is to assist the Board and President in the research and drafting of amendments, ordinances and resolutions for consideration before the Board; ensure that ordinances and resolutions prepared are accurate in form, structure and uniformity; maintain a legislative library and make certain that the County's Code is updated accurately.

Sec. 50-4. Director, staff and duties.

(a) The President shall appoint the Legislative Reference Director who shall be responsible for assisting the Board and President in the research and drafting of amendments, ordinances and resolutions for consideration before the Board; ensure that ordinances and resolutions prepared are accurate in form, structure and uniformity; maintain a legislative library and make certain that the County's Code is updated accurately.

(b) The Legislative Reference Director shall serve under the Executive Law Librarian and have access to Cook County Law Library Research Assistants and Staff as needed and directed.

(c) The Executive Law Librarian shall provide assistance, materials and research materials as needed for use by the Legislative Reference Director.

(d) The Legislative Reference Director shall notify the Clerk of the Board that the ordinances and resolutions prepared are accurate in form, structure and uniformity.

Sec. 50-5. Legislative Counsel to the Board of Commissioners, qualifications, mission and duties.

(a) The Legislative Counsel shall be appointed by the President of the Board of Commissioners with the advice and consent of the Board of Commissioners and shall serve until removed by the President with the advice and consent of the Board of Commissioners. In case of a vacancy in the office of the Legislative Counsel, the vacancy shall be filled in the manner set forth aforesaid.

(b) The Legislative Counsel to the Board of Commissioners must be an attorney admitted to practice law in the State of Illinois and knowledgeable in some or all of the following: political science; parliamentary practice; legislative procedure; and the methods of research, statutory revision and legislative drafting.

(c) The mission of the Legislative Counsel to the Board of Commissioners is to assist the Board in the development of sound public policy, ensure the integrity of the legislative process, and preserve the legislative branch in its proper constitutional role in county government. The duties of the Legislative Counsel shall be as follows:

Provide legal and policy review of current law and proposed legislation.

Prepare legal opinions.

Provide legal advice and research.

Draft and review legislation.

(d) The Legislative Counsel shall have access to Cook County Law Library Research Assistants and Staff as needed and directed.

(e) The Executive Law Librarian shall provide assistance, materials and research materials as needed for use by the Legislative Counsel.

Sec. 50-56. Confidentiality.

Documents, research and ordinance material submitted to the Legislative Reference Director or the Legislative Counsel to the Board of Commissioners shall be confidential and publication shall not be issued without the consent of the requestor.

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Sec. 50-67. Rules and regulations.

The Legislative Reference Director shall promulgate rules and regulations to carry out the provisions of this Act.

Sec. 50-78. Effective date.

This article shall take effect immediately upon passage.

Effective Date: This Ordinance Amendment shall be effective upon passage.

***Referred to the Legislation and Intergovernmental Relations Committee on 07-10-12.**

The above Communication No. 318989 was Withdrawn by Commissioner Fritchey.

Commissioner Silvestri moved to adjourn the meeting, seconded by Commissioner Gorman. The motion carried and the meeting was adjourned.

**YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTION
WITH REGARD TO THE MATTER NAMED HEREIN:**

Communication Number 318086	Approved
Communication Number 318988	Withdrawn
Communication Number 318989	Withdrawn

Respectfully submitted,

Committee on Legislation and
Intergovernmental Relations


Larry Suffredin, Chairman

Attest:


Matthew B. DeLeon, Secretary

*A video recording of this meeting is available on the Office of the Secretary to the Board's website on the Video Page at <http://blog.cookcountyil.gov/secretarytotheboard/county-board-proceedings/county-board-video-and-audio/>.